

REMARKS

The Notice of Allowance mailed December 17, 2006, has been received and reviewed. Applicants noticed for the first time that the status of claims 10-16 is ambiguous. Examiner in the first Office Communication restricted claims 1-9 as Group I, claims 24-27 as Group II, and claims 17-23 as Group III but never addressed claims 10-16. Applicants in response to the restriction requirement elected Group I covering claims 1-9 and withdrew claims 17-27. Examiner in the first non-final office action only indicated that claims 1-9 were pending although claims 10-16 were never withdrawn and claims 17-27 were withdrawn but not cancelled. Applicants in response to this non-final office action indicated that claims 1-27 were pending. Applicants acknowledge that Applicants in Applicants' response mailed 18 July 2006 did withdraw claims 10-27. Applicants' representative on 3 December 2007 did agree over the telephone to cancel withdrawn claims 10-17 assuming at the time that the claims were properly restricted out of prosecution. Applicants' representative in responding to Examiner's request for Examiner's amendment over the telephone was not afforded the time to thoroughly study the prosecution history of this case. Only in preparing to pay the issue fee did Applicants' representative first discover the ambiguous handling of claims 10-16. Therefore, in this Request for Continued Examination, Applicants have added new claims 34-40 that correspond to original claims 10-16. Applicants seek prosecution on the merits for claims 34-40, which have not been subject to a restriction requirement, but have never been prosecuted on the merits.

Thus, claims 2-9 and 28-40 are currently pending in this application.

In addition, Applicants have amended claim 5 to clarify and better define the nature of the Applicants' invention. Applicants have added "wherein the fixer includes an infrared marker or an ultraviolet marker to the limitations applying a fixer to the portion of the medium in the pattern and have deleted the limitations "mixing an infrared marker or an ultraviolet marker with the fixer." Applicants assert that this amendment does not introduce new matter and support is found in at least paragraph 22 of the specification.

CONCLUSION

Applicants believe that claims 2 through 9 and 28-33 remain allowable as stated in the Notice of Allowance mailed 17 December 2007. Applicants request examination and prosecution on the merits of claims 34-40, which have never been subject to a restriction requirement and have never been prosecuted on the merits. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, Examiner is respectfully invited to contact the undersigned. This amendment is submitted concurrently with a Request for Continued Examination. No new matter has been added.

Favorable action by the Examiner is solicited.

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